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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/181,151	10/28/98	HAMILTON	A 7833

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INTELLECTUAL PROPERTY SECTION
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TM11/1023

EXAMINER

RAMAKRISHNAIAH, M

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 10/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/181,151

Applicant(s)
Alistar R. Hamilton.

Examiner
Melur Ramakrishnaiah

Group Art Unit
2643



☒ Responsive to communication(s) filed on Aug 8, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 7 and 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dagdeviren et al. (US PAT: 5,371,534, hereinafter Dagdeviren) in view of Partridge, III (US PAT: H1714).

Regarding claims 1, Dagdeviren discloses a method of establishing audio-video conference comprising: holding an audio only conference , holding an audio conference accompanied by a live video conference (figs. 1, 4, col. 8 lines 27-68).

Regarding claim 3, Dagdeviren teaches an apparatus (fig. 1) comprising: a computer readable storage medium (215, fig. 2) , a software means, physically configured in the storage medium, receiving image data from a remote location and displaying it, holding an initial audio conference with a remote communication device, holding a sequel to the audio conference with the remote device, and holding a video conference with the remote device during the sequel (figs. 1, 4, col. 8 lines 27-68).

Dagdeviren differs from the claimed invention by not teaching displaying static visual images during the audio only conference.

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However, Partridge discloses automatic still image transmission which teaches displaying static visual images during the audio only conference (figs. 1-2, col. 3 lines 42-67, col. 4 lines 1-8).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Dagdeviren's system to provide for displaying static visual images during the audio only conference as this would enable call screening based upon calling party's image as taught by Partridge (col. 1 lines 37-43).

Regarding claims 4, 7, 9, Dagdeviren further teaches the following: initial audio conference is held using a POTS line, and sequel is held using a high-bandwidth channel, live video conference utilizes a communication channel (112,117,119), and the audio only conference utilizes a sub-channel of the communication channel, live video conference utilizes a relatively high-bandwidth communication channel (figs. 1, 4, col. 8 lines 27-68).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 5-6, 8, 10 are rejected under 35 U.S. C 102(b) as being anticipated by Dagdeviren.

Regarding claim 2, Dagdeviren teaches setting up an audio-video conference on a high bandwidth communication channel (112,117,119, figs. 1, 3, col. 7 lines 29-67, col. 8 lines 1-26),

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during setting up step, holding an audio conference using a POTS channel (111,116,118, fig. 1), and after setting up completes, holding audio-video conference on the high-bandwidth channel, and terminating the audio conference on the POTS channel (figs. 1, 4, col. 8 lines 27-68).

Regarding claims 5-6, 8, 10, Dagdeviren further teaches the following: parties who participate in the audio-video conference are the same parties who participate in the audio conference, audio conference is held using telephones (101,121, fig. 1), and prior to audio conference, a telephone company issued ring signals to at least some of the telephones (inherent), audio-video conference utilizes a communication channel (112,117,119, fig. 1), audio conference utilizes a sub-channel of the communication channel (fig. 3, col. 7 lines 29-68, col. 8 lines 1-26), audio-video conference utilizes a relatively high bandwidth communication channel, and audio conference utilizes a relatively low-bandwidth POTS channel (figs. 1, 4, col. 8 lines 27-68).

Response to Arguments

5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

7. Any response to this action should be mailed to:

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Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


CURTIS A. KUNTZ
SUPERVISORY PATENT EXAMINER
GROUP 2700